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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2016 / 2017 SESSION

UPR4622 – PROFESSIONAL PRACTICE II

(All Sections / Groups)

11 OCTOBER 2016

Reading Time: 2:30 p.m. – 2:45 p.m.
(15 Minutes)

Answering Time: 2:45 p.m. – 5:45 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes only in their question paper. Students then have the remaining **three hours** in which to answer the questions.
2. This question paper consists of 3 pages with 5 questions only.
3. Attempt the question in **SECTION A** which is **COMPULSORY** and any **THREE** questions in **SECTION B**.
4. Students are allowed to bring into the Examination Hall **CLEAN** and **ORIGINAL** copies of: (i) Civil Law Act 1956; (ii) Bankruptcy Act 1967 and Bankruptcy Rules 1969; (iii) Companies (Winding Rules) 1972; (iv) Probate & Administration Act 1959; (v) Wills Act 1959; (vi) Small Estates (Distribution) Act 1955; (vii) Rules of Court 2012. Students are not allowed to lend or borrow any statutes during the Examination.
5. Write all your answers in the Answer Booklet provided.

PART A: Compulsory [40 marks]

Instruction: Attempt this question.

QUESTION 1

On 29/11/2011, at about 2.30 p.m., Mak Jemah was riding motorcycle No: MAF 14 towards Bukit Gajah when she was rammed from behind by a lorry No. RM 1234 driven by Pikacu. According to Pikacu, he was on his way to Muar driving at 70 km/h at the right lane when he saw Mak Jemah's motorcycle 50 meter ahead of him at the middle of the left lane. Despite of that, he did not blow the horn and preceded to drive when he heard a crash at the side of his lorry. The sketch plan indicated that the road at the scene was wide and had no visible obstruction.

At the time of accident, Mak Jemah was 40 years of age and worked as a cleaner at Cucucuci Enterprise. She earned a fix salary of RM700 per month. Based on the medical report dated 31/12/2011 from Hospital Melaka, Mak Jemah had suffered the following injuries and disabilities:

- (1) Severe head injury resulting in persistent vegetative state (quadriplegia); and
- (2) Closed comminuted fracture of the distal end of left radius.

As a result of the accident also, Mak Jemah had incurred RM300 for the cost of repairing her motorcycle and RM200 for medical expenses at Hospital Melaka.

As the solicitor for Mak Jemah, you are required to draft a letter to Pikacu's insurer to negotiate for an amicable settlement.

(Total: 40 Marks)

Continued...

PART B: Optional [60 marks]

Instruction: Attempt **THREE** questions only. The distribution of the marks for each question is given.

QUESTION 2

On 11/3/2015, Sasuke obtained a summary judgment against Naruto for the sum of RM60,000 and 4% interest. Consequently, Sasuke filed the bankruptcy notice together with the request for issuance of bankruptcy notice and served both documents upon Naruto. Naruto intended to set aside the bankruptcy notice on the ground that he has a counterclaim, set off or cross demand against Sasuke which exceeded the amount of the judgment debt.

Advise Naruto as to the correct procedure for setting aside a bankruptcy procedure on such ground.

(Total: 20 marks)

QUESTION 3

Sakura is a credit controller working for a car accessories company. One of the company's trade customers, Konoha Sdn. Bhd., has been getting further and further behind with their payment of invoices. The current balance of RM21,000 is now well past their payment terms. The sales director has had enough of the hassle from this customer to supply more goods and has approached you for an advice as to the possibility of taking action against Konoha Sdn. Bhd. without obtaining a judgment in court.

Advise the sales director.

(Total: 20 marks)

Continued...

QUESTION 4

Hinata is a widow with two children, Himawari and Buroto. In 2010, Hinata adopted Tobi, aged 3 as her son. Hinata intended to make a will for the benefit of her children and appointed Himawari to execute the will. She also wishes to give her coin collection to her sister, Kushina and her jewellery to her mother, Asuma. Hinata always wanted to be cremated and to have her ashes scattered over the ocean.

- (a) Assuming that the parties are non-Muslim, draft a valid will for Hinata. (15 marks)

- (b) In 2013, Hinata had a quarrel with Himawari. She decided to draft a new will in her own handwriting to disinherit Himawari. No one was present when she signed and dated the will.

Advise Himawari as to the validity of the will. (5 marks)

(Total: 20 marks)

QUESTION 5

A person wishing to dispute a will may enter a caveat before a representation has been granted to the estate.

Discuss the following:

- (a) The purpose and procedure of lodging a caveat in a probate action. (14 marks)
- (b) The method to challenge a caveat. (6 marks)

(Total: 20 marks)

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